

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,	Case No. 16-CR-00019-J
Plaintiff,	Cheyenne, Wyoming
vs.	April 15, 2016
	4:27 p.m.
GILBERT WAYNE WILES, JR.,	
Defendant.	

TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS
BEFORE THE HONORABLE ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: MR. THOMAS A. SZOTT
MR. STUART S. HEALY, III
Assistant United States Attorneys
UNITED STATES ATTORNEY'S OFFICE
P.O. Box 668
Cheyenne, WY 82003

For the Defendant: MR. DION J. CUSTIS
Attorney at Law
DION J. CUSTIS, P.C.
400 East 20th Street
Cheyenne, WY 82001

Court Reporter: MS. JULIE H. THOMAS, RMR, CRR
901 19th Street, Room A256
Denver, CO 80294
(303)296-3056 CA CSR No. 9162

Proceedings recorded by mechanical stenography;
transcript produced by computer.

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1 (Proceedings commenced 4:27 p.m.,
2 April 15, 2016.)

3 THE COURT: Please be seated.

4 We're here this afternoon, prior to the expected
5 snowstorm, in the case of United States of America, plaintiff,
6 against Gilbert Wayne Wiles Jr. This case is before the Court
7 under Docket 16-CR-00019. Present representing the Government
8 are Thomas Szott, Assistant United States Attorney for the
9 District of Wyoming, and Stuart Healy, Assistant United States
10 Attorney. Present is the defendant in person and his counsel,
11 Dion J. Custis.

12 Is the Government ready to proceed?

13 MR. SZOTT: Yes, Your Honor. Thank you.

14 THE COURT: Mr. Szott.

15 MR. SZOTT: Your Honor, again by way of background,
16 although I believe the Court is well familiar with the
17 procedural history of this case, the Indictment was originally
18 filed back on January the 14th. It contained two counts of
19 which we are focused on the second count this afternoon. That
20 charge is operating an unregistered aircraft and aiding and
21 abetting which is in violation of 49 U.S. Code Section
22 46306(b)(6)(A) and Section 2 under Title 18 of the United
23 States Code. That offense is punishable by statutory maximum
24 penalties of up to three years' imprisonment, up to a fine of
25 \$250,000, up to one year of supervised release, a mandatory

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1 \$100 special assessment and, I will mention because it's
2 contemplated by the 11(c)(1)(C) Plea Agreement in this case,
3 between one and five years of probation.

4 Trial in this matter is set for this coming Tuesday.
5 A Plea Agreement was filed with the Court just now, Your
6 Honor, a few minutes ago. It's a plea agreement that comes
7 before the Court again under Rule 11(c)(1)(C) of the Federal
8 Rules of Criminal Procedure and has the following material
9 terms, Your Honor. First of all, it is also a conditional
10 plea in which Mr. Wiles is reserving his right to appeal
11 adverse determinations of his motions to suppress, dismiss the
12 Indictment, sever the trial, and finally his motion for an
13 opinion on the advisory guidelines.

14 The Plea Agreement also sets forth a stipulated
15 factual basis, and my understanding is that the intention is
16 to rely on that factual basis, Your Honor, in paragraph 6 to
17 satisfy the essential elements of the aiding and abetting
18 aspect of Count 2 of the Indictment.

19 Again, under Rule 11(c)(1)(C), this is a stipulated
20 plea agreement that seeks to bind the Court to a sentence of
21 not more than three years' probation. Under the Plea
22 Agreement, Mr. Wiles is free to argue for as little as one
23 year, which is the minimum required under the law, and the
24 United States may argue for up to three years of probation.
25 The United States is also agreeing to recommend that Mr. Wiles

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1 remain released pending sentencing. And then the Government
2 is also agreeing to dismiss Count 1 of the Indictment at the
3 time of sentencing.

4 The Plea Agreement also contains an agreement to
5 forfeit the airplane, and I guess this is somewhat obvious
6 given the nature of the conditional plea, but Mr. Wiles is not
7 surrendering any right to appeal, although with it being a
8 (c)(1)(C) plea agreement, really the conditional aspect of it
9 is preserving his right to appeal those motions.

10 And with that, Your Honor, I believe we are ready to
11 move forward.

12 THE COURT: Very well. Mr. Custis and Mr. Wiles,
13 please come forward.

14 MR. CUSTIS: Good afternoon, Your Honor.

15 THE COURT: Good afternoon, Mr. Custis.

16 Mr. Wiles, would you raise your right hand and be
17 sworn.

18 (The defendant was sworn.)

19 COURTROOM DEPUTY: Thank you.

20 THE COURT: You've taken an oath to speak truthfully
21 to the Court. If your answers are false, your answers may be
22 later used against you in a further prosecution for perjury or
23 false swearing. Do you understand?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Although I'm not in the best position to

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1 answer all of the questions you may have. Nevertheless, if
2 you have questions during this proceedings, feel free to
3 interrupt the Court. We'll try to find answers for you. If
4 at any time during the proceedings you wish to speak to your
5 attorney, again, interrupt me, and you may step aside and
6 speak to your attorney privately. Is that agreeable?

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: Very well. During this proceedings it's
9 my understanding, correct me if I'm wrong, that the Court will
10 be faced with the issue, if you enter a plea of guilty to
11 Count 2, and that is the aiding and abetting portion of
12 Count 2, of requiring a factual basis, and the factual basis
13 as I understand is a stipulated factual basis which is set
14 forth in the Plea Agreement in this matter.

15 THE DEFENDANT: That's --

16 THE COURT: And I will review that for you at an
17 appropriate time and at that time would ask you whether or not
18 you ratify and confirm the facts that are set forth in that
19 stipulated factual basis. Do you understand?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Very well. We will proceed. Please
22 state your full name.

23 THE DEFENDANT: Gilbert Wayne Wiles Jr.

24 THE COURT: Where were you born?

25 THE DEFENDANT: Akron, Ohio.

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1 THE COURT: And how old are you?

2 THE DEFENDANT: 38.

3 THE COURT: Tell me about your education.

4 THE DEFENDANT: I went to college at the Ohio State
5 University.

6 THE COURT: All right. What is your usual
7 occupation?

8 THE DEFENDANT: I work currently as a manager for a
9 sales team in the mortgage industry.

10 THE COURT: All right. And you've worked in banking
11 in the past; is that correct?

12 THE DEFENDANT: I have, sir, Your Honor.

13 THE COURT: Have you been treated recently for any
14 mental illness or physical condition that would affect your
15 understanding of these proceedings and what's happening?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Are you addicted to any narcotics or
18 controlled substances?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Today are you under the influence of any
21 drug, alcohol, medication, or other controlled substance?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Have you received a copy of the
24 Indictment containing the charges against you?

25 THE DEFENDANT: Yes, I have.

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1 THE COURT: Have you discussed your case thoroughly
2 with your attorney, Mr. Custis?

3 THE DEFENDANT: We have, Your Honor.

4 THE COURT: And are you satisfied with the work that
5 he's been doing for you?

6 THE DEFENDANT: Mr. Custis has done a fine job.

7 THE COURT: I have before me today -- I'm not
8 disagreeing with you either. He's raised every issue that I
9 think conceivably could be raised in this case.

10 The Plea Agreement in this matter has been filed.
11 Have you read the Plea Agreement?

12 THE DEFENDANT: I have.

13 THE COURT: And have you discussed it with your
14 attorney?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Does this Plea Agreement represent in its
17 entirety your understanding that you have with the United
18 States?

19 THE DEFENDANT: It does, Your Honor.

20 THE COURT: Do you feel that you understand the terms
21 and conditions set forth in this Plea Agreement?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Has anyone made any promises or
24 assurances to you other than what are set forth in the Plea
25 Agreement?

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1 THE DEFENDANT: No.

2 THE COURT: Has anyone caused you to sign this Plea
3 Agreement by threat, coercion, or violence against you?

4 THE DEFENDANT: No.

5 THE COURT: This is a special kind of plea agreement.
6 It comes before the Court, as referred to by Mr. Szott, under
7 the provisions of Federal Rule of Criminal Procedure
8 11(c)(1)(C). By this plea agreement, it attempts to bind the
9 Court to a particular sentencing range in your case. First of
10 all, it attempts to bind the Court to a probationary sentence
11 in your case, and it attempts to bind the Court with regard to
12 the Government contending that -- or will contend at
13 sentencing that a sentence of not less than three years of
14 probation be imposed, but allowing you to argue for and seek a
15 sentence of not less than one year of supervised probation.
16 Is that true?

17 THE DEFENDANT: That is my understanding, Your Honor.

18 THE COURT: Very well. There are a number of other
19 provisions in addition, including your right to -- this is a
20 conditional plea that would allow you to raise issues that you
21 feel would -- might support an appeal to the Tenth Circuit
22 Court of Appeals in Denver, Colorado. That would be a matter
23 that you and your attorney will have to make once you've
24 entered your plea and have been sentenced in this matter.

25 As to the Plea Agreement, however, it is imperative

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1 that you understand that if I choose not to follow the terms
2 and conditions of the Plea Agreement, I will give you the
3 opportunity to withdraw from your plea of guilty. And if you
4 choose to not withdraw from your plea, I may impose a more
5 severe sentence without being bound by the Plea Agreement or
6 the specific terms of the Plea Agreement that might be
7 rejected by the Court. Do you understand?

8 THE DEFENDANT: I understand what you've said, yes,
9 Your Honor.

10 THE COURT: I will explain -- if that should occur,
11 if I should reject a part or all of the Plea Agreement, I
12 would tell you so. And if I am only rejecting a part, I would
13 tell you what part I'm rejecting, and you, of course, at that
14 point could confer with counsel and make your own decision as
15 to how you wish to proceed. Any questions about that?

16 THE DEFENDANT: No.

17 THE COURT: Very well. Has anyone attempted in any
18 way to force you to plead guilty by threat, coercion, or
19 violence against you or those close to you?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Has anyone sought to induce you to plead
22 guilty by promises or assurances that are not contained in the
23 Plea Agreement?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Will you be pleading guilty of your own

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1 free will because you are, in fact, guilty of this charge?

2 THE DEFENDANT: Yes.

3 THE COURT: Very well. This plea is certainly
4 consequential. It is a plea to a felony offense, which means
5 that the charge contains a penalty which could include a
6 sentence to imprisonment for a term exceeding one year. And
7 because it is a felony offense, if your plea is accepted by
8 the Court, you will be adjudged guilty of that offense, and
9 that adjudication may deprive you of valuable civil rights,
10 including the right to vote, the right to seek and hold public
11 office, the right to serve on a jury, and the right to possess
12 any kind of firearm, ammunition, or explosive device. Is that
13 your understanding as well?

14 (The defendant and counsel consult.)

15 THE COURT: If you want to step away from the
16 rostrum, feel free to do that.

17 THE DEFENDANT: I got it, Your Honor. I understand,
18 yes.

19 THE COURT: Now, there's one area that I know about
20 and you, of course, have earned. That is the fact that you
21 are a licensed pilot, in fact an instructor pilot. I have no
22 knowledge that I can give you or advice that I carry around
23 with me concerning the effect of your plea of guilty on that
24 federal licensing. Have you looked into that at all?

25 THE DEFENDANT: I have.

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1 THE COURT: All right. Do you understand that a
2 conviction for this offense through the -- if the Court adopts
3 the Plea Agreement in this matter and imposes a sentence of
4 not more than three years of probation, that there may be
5 future restrictions that are substantial on where you may live
6 or work and with whom you may associate? Do you understand?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Again, I have no personal knowledge of
9 the effect of a probationary sentence may have on your work in
10 the mortgage industry, for example, or as a manager of a sales
11 team. I hope that you've looked into that as well.

12 THE DEFENDANT: I have looked into that, and luckily
13 I'm very well supported.

14 THE COURT: Good. I certainly don't expect if a
15 probationary sentence is imposed that there would be any
16 violation of the terms and conditions of your probation.
17 However, if there were, and if they were serious enough, you
18 could be haled back into court, and the Court could
19 conceivably revoke the term of probation and supervision in
20 your case and impose a prison sentence as authorized by law.
21 Do you understand that?

22 THE DEFENDANT: Yes, I do, Your Honor.

23 THE COURT: Very well. The maximum sentence in this
24 case, which I'm sure that you have discussed again and again
25 with your attorney, is a sentence of not more than three

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1 years' imprisonment, a fine of not more than \$250,000, up to
2 one year of supervised release, one to five years of
3 probation, and a \$100 special assessment which is collected
4 from you and is money that goes to a crime victims fund
5 administered by the United States Government. This is a
6 Class E felony. Do you understand?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Have you and Mr. Custis discussed the --
9 well, the advisory sentencing guidelines, how they might
10 otherwise apply in your case?

11 THE DEFENDANT: Uh, yes, Your Honor, we have
12 discussed.

13 THE COURT: Very well. Both you and the Government,
14 I want you to understand, may have the right to appeal a
15 judgment and sentence imposed by this Court. However, if I
16 accept the terms and conditions of the 11(c)(1)(C) plea
17 agreement in this matter, really the agreement will be
18 executed under order of the Court, and as such your right to
19 appeal would virtually disappear in your case, save and except
20 this is a conditional appeal, and at least for the terms and
21 conditions that you may be seeking an appeal in this matter,
22 any or all of them, you would be allowed to proceed.

23 It is important to remember, though, that once you
24 are sentenced, you have a limited period of time to commence
25 your appeal by filing a notice of appeal, and that is a 14-day

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1 period following entry of the judgment and sentence with the
2 office of the Clerk of Court. So immediately after
3 sentencing, it would be wise to start discussions with your
4 attorney where you would instruct whether or not you wish to
5 proceed with the appeal. And I'm sure there are
6 considerations as to whether or not you would wish to proceed,
7 but that's up to you and your attorney.

8 THE DEFENDANT: Thank you, Your Honor.

9 THE COURT: The Government could appeal as well the
10 judgment and sentence in the case.

11 Now, I will be ordering a presentence investigation
12 report to be prepared in your case. And as I understand it,
13 the person who will author that report is not present in court
14 this afternoon. We have a stand-in, Mr. Olive, who is
15 substituting for Mr. Fitzgerald who will be the author of that
16 report. Both of these individuals are very experienced in
17 preparing presentence investigation reports. I think
18 Mr. Olive is preparing the report for your codefendant in this
19 matter, and a fresh set of eyes will be preparing the report
20 in your case.

21 Once that report is prepared, and it takes about 45
22 days for it to be prepared, and throughout that period you
23 will have access to your attorney and be able to discuss any
24 issues that may arise during that process. Your attorney will
25 help you in making any legal objections under the advisory

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1 guidelines to that report. In addition, he will assist you in
2 bringing to the attention of Mr. Fitzgerald any objections
3 that you might have to the factual recitations that are
4 contained in that presentence investigation report. So you're
5 not waiving anything with regard to your opportunity to file
6 objections to that report or challenge the facts contained in
7 it.

8 Now, Mr. Fitzgerald will change the report if he
9 agrees with you and will do that in an addendum to the report.
10 If he disagrees with you, he'll state why in that addendum,
11 and all of that will come to me, and we'll resolve it as the
12 first matter of business at the sentencing hearing.

13 Do you understand?

14 THE DEFENDANT: Yes, Your Honor, I do.

15 THE COURT: All right. I am sure that you have been
16 made aware of your trial rights in connection with this case.
17 I'll review them with you.

18 You have the right to plead not guilty to any and all
19 charges against you and to persist in your pleas of not
20 guilty. You would then have the right to a trial before a
21 jury of 12 adult residents of the District of Wyoming who
22 would be selected at trial to serve as judges of the facts of
23 your case. At trial you would be presumed innocent of any
24 wrongdoing, and the jury would be instructed to that
25 presumption of innocence. The Government would have to prove

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1 your guilt by proof beyond a reasonable doubt through the
2 testimony of its witnesses and the evidence that would be
3 received at trial. The standard is beyond a reasonable doubt.

4 At trial you would have the right to be assisted by
5 Mr. Custis as your counsel for your defense, appointed by the
6 Court if necessary. He would serve you at trial and at every
7 other stage of the proceedings. You would have the right to
8 see and hear all of the witnesses and evidence against you and
9 to have the witnesses cross-examined in your defense by
10 Mr. Custis. You would have the right on your own part to
11 decline or not to testify unless you voluntarily elected to do
12 so in your own defense.

13 And you would have the right to compel the attendance
14 of witnesses to testify in your defense or produce evidence in
15 their possession that might be helpful to your defense. What
16 happens is that Mr. Custis would apply to the Court for the
17 issuance of subpoenas, and the Court may issue those
18 subpoenas, if necessary, in your defense. All of that can be
19 furnished at public expense if necessary.

20 Do you have any questions so far?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: You understand these things?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand further that should you
25 decide not to testify at trial or put on any evidence, the

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1 fact of your silence cannot be commented upon and is not
2 evidence that may be used against you at trial in any measure?
3 You have the right to remain silent. The Government has the
4 burden of proof at every stage of the proceedings. Do you
5 understand?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you further understand that by
8 entering a voluntary plea of guilty, if that plea is accepted
9 by the Court, there will be no trial; you will be considered
10 by the Court, by me, to have waived or to have given up your
11 right to a trial before a jury of 12?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Well, let's move on, then, and look to
14 the Indictment in this matter. Count 2 of the Indictment
15 charges operation of an unregistered aircraft and aiding and
16 abetting in that crime in violation of Title 49 United States
17 Code Section 46306, 46306(b)(6)(A) and 18 United States Code
18 Section 2. The count reads that "On or about February 27,
19 2014, in the District of Wyoming, the defendant, Gilbert Wayne
20 Wiles Jr., did willfully and knowingly aid and abet Scott
21 Michael Lewis in the knowing and willful operation of an
22 aircraft eligible for registration under Title 49 United
23 States Code Section 44102, namely a Cessna 206 airplane
24 bearing tail number N6214V, while not using said aircraft to
25 provide air transportation as defined by Title 49 United

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1 States Code Section 40102(a)(5), and while knowing said
2 aircraft was not registered under Title 49 United States Code
3 Section 44103, and the defendants did knowingly aid and abet
4 each other in the commission of that offense."

5 The elements of this offense are set forth in the
6 prosecutor's statement, which has also been delivered to the
7 Court, and each of these elements would have to be proven
8 beyond a reasonable doubt if this matter went to trial:

9 First of all, that the offense occurred on or about
10 February 27, 2014. The "on or about" language in the first
11 element allows the Government some leeway with regard to the
12 date on which the offense occurred, but it must be a date
13 reasonably near February 27, 2014.

14 Secondly, the offense must have occurred in the
15 District of Wyoming. It is noted that the venue in federal
16 criminal cases is an element of the prosecutor's case which
17 must be proved, unlike the other elements in this case, by a
18 preponderance of the evidence; that is, more likely than not
19 is the proof for venue. The fact that you are standing before
20 a judge in Wyoming describes why venue is important. Not only
21 would you be tried in Wyoming, but also the jury is selected
22 from adult residents of Wyoming, the vicinage, your jury.
23 However, frankly, if I instructed this case, I'd probably
24 instruct that this element should be proven beyond a
25 reasonable doubt rather than confusing the jury with other

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1 instructions.

2 Third, that codefendant Scott Michael Lewis committed
3 the offense of willfully operating an unregistered aircraft in
4 violation of Title 49 United States Code Section
5 46306(b) (6) (A).

6 And the final element is that you, Gilbert Wayne
7 Wiles Jr., intentionally associated yourself in some way with
8 the crime and intentionally participated in it as you would in
9 something you wished to bring about.

10 Do you understand the elements of this offense?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: How do you plead, guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Now I'm going to go back to the Plea
15 Agreement in this matter and read before you the factual basis
16 here in open court. Please listen to it carefully.

17 First of all, the defendant acknowledges that he
18 understands the nature and elements of the offense you are
19 pleading guilty to and agree to plead guilty and provide a
20 complete and truthful factual basis in open court in support
21 of the guilty plea. You have made that plea here in open
22 court.

23 The defendant agrees to the following factual basis
24 in support of your guilty plea:

25 The defendant agrees that he was a passenger in an

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1 airplane bearing tail number N6214V on February 27, 2014 when
2 codefendant Scott Michael Lewis landed the airplane in Cody,
3 Wyoming.

4 And you agree, further, that codefendant Lewis
5 committed the crime of willfully operating the airplane
6 without prior -- proper registration.

7 You agree that you were involved in purchasing the
8 airplane and paying for repairs to the airplane, and agree
9 that you never registered the airplane with the Federal
10 Aviation Administration and that you intended for codefendant
11 Lewis to fly the airplane both prior to and on February 27,
12 2014.

13 You agree, based upon your training and experience as
14 a pilot and a flight instructor, that you knew the airplane
15 was required to be registered with the Federal Aviation
16 Administration.

17 The defendant agrees the airplane was not, in fact,
18 registered with the Federal Aviation Administration on
19 February 27, 2014.

20 You agree that you had regular access to the
21 airplane, including its logbooks, and the defendant agrees the
22 airplane did not have a valid registration certificate on
23 board. The defendant, therefore, agrees he deliberately
24 blinded himself to the fact that the airplane was not properly
25 registered with the Federal Aviation Administration and agrees

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1 he did not believe the aircraft was registered on February 27,
2 2014.

3 The defendant further agrees the airplane was owned
4 by Morris Point, Limited Liability Company, and was,
5 therefore, subject to registration because it was based in and
6 primarily used in the United States.

7 The defendant further agrees the airplane was not
8 being used for air transportation on February 27, 2014,
9 because it was not being used to transport mail and was not
10 being used by a common carrier to transport passengers or
11 property for compensation -- and I'm going to add this -- or
12 any other purpose that would justify it not being registered
13 or used -- I'm sorry. I will add "any other circumstance of
14 it not being used for air transportation as defined by the
15 pertinent statute."

16 Do you understand that that is the factual basis?

17 THE DEFENDANT: I do, Your Honor.

18 THE COURT: And do you accept that factual basis as
19 true and accurate?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And does it reflect your admission in
22 this matter?

23 THE DEFENDANT: Yes.

24 THE COURT: Mr. Szott, anything further?

25 MR. SZOTT: No, Your Honor. Thank you.

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1 THE COURT: Very well. It is the finding of the
2 Court in the case of the United States against Gilbert Wayne
3 Wiles Jr. that the defendant is fully competent and capable of
4 entering an informed plea; that Mr. Wiles is aware of the
5 nature of the charges and the consequences of his plea to
6 Count 2; and that the plea of guilty is a knowing and
7 voluntary plea supported by an independent basis in fact
8 containing each of the essential elements of the offense. The
9 plea is, therefore, accepted, and Gilbert Wayne Wiles Jr. is
10 now adjudged to be guilty -- I think I'll withhold acceptance
11 until I've received your presentence investigation report in
12 this matter -- in this case. However, I do find that the plea
13 is voluntarily made and is supported by an independent basis
14 in fact containing each of the essential elements.

15 Mr. Szott.

16 MR. SZOTT: Your Honor, the Government, and I know
17 that the Court is aware of the rule, would ask that the Court
18 accept the plea. Now, the Court, of course, can defer
19 acceptance of the Plea Agreement in favor of the presentence
20 report, but the rule -- I think Rule 11 contemplates accepting
21 the plea today and then accepting the Plea Agreement down the
22 line.

23 THE COURT: I'm sure you've looked at it today or you
24 wouldn't say that.

25 MR. SZOTT: I had occasion to look at it in

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1 connection with a case we tried last year, Your Honor.

2 THE COURT: All right.

3 I will accept the plea but defer acceptance of the
4 Plea Agreement.

5 The remaining matter is what happens to Mr. Wiles.
6 Does the Government object to him being continued on bond?

7 MR. SZOTT: No. In fact, Your Honor, as a condition
8 of the Plea Agreement, the United States would recommend that
9 he be continued on bond. I am not aware, Your Honor, of any
10 issues that he's had on pretrial release. I don't see any
11 reason the Court could not make the finding that he does not
12 pose a risk of nonappearance or a danger to the community.
13 And, therefore, the Government's recommendation would be that
14 he be continued on the same conditions that he's been on since
15 he made his initial appearance or -- yeah, his initial
16 appearance and had his detention motion in the magistrate
17 court.

18 THE COURT: I find, in addition, that there is the
19 recommendation of a probationary sentence in this matter which
20 would further justify continuing bond in this matter as well
21 as the findings that he does not represent a danger to the
22 community, so far as we know at this point, nor an undue risk
23 of flight.

24 We'll continue the bond in this matter pending your
25 next appearance before the Court.

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1 What is the date we're looking at?

2 COURTROOM DEPUTY: June 24th.

3 Very well. We'll see you back before the Court,

4 Mr. Custis, on June 24th, 9:30 in the morning.

5 MR. CUSTIS: Thank you, Your Honor.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: Do you have any questions about what
8 we've done here today?

9 THE DEFENDANT: No, I don't.

10 THE COURT: All right. Mr. Szott?

11 We'll stand in recess.

12 MR. SZOTT: Nothing further, Your Honor. Thank you.

13 (Proceedings concluded 5:05 p.m.

14 April 15, 2016.)

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C E R T I F I C A T E

I, JULIE H. THOMAS, Official Court Reporter for the
United States District Court for the District of Wyoming, a
Registered Merit Reporter and Certified Realtime Reporter, do
hereby certify that I reported by machine shorthand the
proceedings contained herein on the aforementioned subject on
the date herein set forth, and that the foregoing pages
constitute a full, true and correct transcript.

Dated this 29th day of September, 2016.

/s/ Julie H. Thomas

JULIE H. THOMAS
Official Court Reporter
Registered Merit Reporter
Certified Realtime Reporter
CA CSR No. 9162